

Challenge to Constitutionality of a State Statute

Print

This form must be completed by a party filing a petition, motion or other pleading **challenging the constitutionality of a state statute**. The completed form must be filed with the court in which the cause is pending as required by Section 402.010 (a-1), Texas Government Code.

Cause Number *(For Clerk Use Only):*

Court *(For Clerk Use Only):*

RECEIVED IN
5th COURT OF APPEALS
DALLAS, TEXAS

Styled: **Beasley v. Society of Information Management, et. al.**

05/28/2019 12:00:00 AM

(e.g., John Smith v. All American Insurance Co.; in re Mary Ann Jones; In the Matter of the Estate of George Jackson)

LISA MATZ
Clerk

Contact information for party* challenging the constitutionality of a state statute. (*If party is not a person, provide contact information for party, party's representative or attorney.)

Name: Peter Beasley

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State Bar No. (if applicable):

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Person completing this form is: ☐ Attorney for Party ☒ Unrepresented Party ☐ Other:

Identify the type of pleading you have filed challenging the constitutionality of a state statute.

☐ Petition ☐ Answer ☐ Motion (Specify type):

☒ Other: Interlocutory appeal of a Prefiling Order

Is the Attorney General of the State of Texas a party to or counsel in this cause?

☐ Yes ☒ No

List the state statute(s) being challenged in your pleading and provide a summary of the basis for your challenge. (Additional pages may be attached if necessary.)

The Civil Practices and Remedies Code section 11.101 and 11.102 are challenged as they combine to unconstitutionally deprive a citizen of their right to immediately protect their property and deprive a citizen of their right to immediately protect themselves or their family from violence when the citizen cannot afford a lawyer or is unrepresented by counsel as they would no longer be able to obtain a temporary restraining order or a protective order against any future defendant in the state without first informing the would-be defendant about the potential action, in violation of CPCr section 65.011, Family Code sections 82 and 83, and in violation of the Texas Rules of Procedure 680.

There is no exception or provision in CPCr 11.102 for a citizen subject to a prefiling order under 11.101 to obtain permission to file an application for a restraining or protective order without first informing the potential defendant, which violates the legitimate purpose of an ex parte action.

The unconstitutional deprivation, if CPCr 11.101 and 11.102 are not held unconstitutional, would be for the remainder of the citizen's life, in violation of the Texas Constitution.